

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

FILED
U.S. DISTRICT COURT
CLERKS OFFICE
DISTRICT OF MASS.
2006 NOV 17 P 3:47

UNITED STATES OF AMERICA,)	U.S. DISTRICT COUR
Petitioner,)	DISTRICT OF MASS.
v.)	Misc. Action No.
JOEL WETMORE,)	
(Reg. No. 10379-036),)	
Respondent.)	

06 MBD 10439

**NOTICE OF CERTIFICATION THAT RESPONDENT
IS A SEXUALLY DANGEROUS PERSON AND
REQUEST FOR HEARING PURSUANT TO 18 U.S.C. § 4248(a)**

The United States of America, by its attorney, Michael J. Sullivan, United States Attorney for the District of Massachusetts, hereby provides notice to this Court that the respondent, JOEL WETMORE, Reg. No. 10379-036, has been certified to be a “sexually dangerous person” pursuant to section 302(4) of the Adam Walsh Child Protection and Safety Act, Pub. L. No. 109-248, Title III, § 302(4), 120 Stat. 620 (July 27, 2006), codified at 18 U.S.C. § 4248(a), and moves this Honorable Court for a hearing to determine whether respondent JOEL WETMORE is a “sexually dangerous person” subject to civil commitment for treatment in an appropriate facility pursuant to 18 U.S.C. § 4248. In further support thereof, the United States says as follows:

1. Section 302(4) of the Adam Walsh Child Protection and Safety Act provides, as relevant here:

In relation to a person who is in custody of the Bureau of Prisons * * * any individual authorized by the Attorney General or the Director of the Bureau of Prisons may certify that the person is a sexually dangerous person, and transmit the certificate to the clerk of the court for the district in which the person is confined. The clerk shall

send a copy of the certificate to the person, and to the attorney for the Government. * * * The court shall order a hearing [to be conducted pursuant to the provisions of section 4247(d)] to determine whether the person is a sexually dangerous person. A certificate filed under this subsection shall stay the release of the person pending completion of procedures contained in this section.

18 U.S.C. § 4248(a). The term “sexually dangerous person” is defined in 18 U.S.C. § 4247(a)(5) to mean “a person who has engaged or attempted to engage in sexually violent conduct or child molestation and who is sexually dangerous to others.” The term “sexually dangerous to others” is defined in 18 U.S.C. § 4247(a)(6) to mean, with respect to a person, “that the person suffers from a serious mental illness, abnormality, or disorder as a result of which he would have serious difficulty in refraining from sexually violent conduct or child molestation if released.”

2. Attached hereto as Exhibit 1 is a “Certification of a Sexually Dangerous Person” executed by John Baxter, Interim Chairperson, Certification Review Panel, Federal Bureau of Prisons. Attached hereto as Exhibit 2 is a copy of a memorandum from Harley G. Lappin, Director of the Bureau of Prisons, delegating to, among others, Dr. John Baxter, the authority to certify offenders as sexually dangerous persons pursuant to 18 U.S.C. § 4248(a). These documents establish that (1) the respondent, JOEL WETMORE, is presently in the custody of the Federal Bureau of Prisons at the Federal Medical Center, Devens, Massachusetts; and (2) that an individual, Dr. John Baxter, who has received the required delegation of authority from the Director of the Bureau of Prisons, has certified that respondent JOEL WETMORE is a “sexually dangerous person” as defined by 18 U.S.C. § 4247(a)(5) and “sexually dangerous to others” as defined by 18 U.S.C. § 4247(a)(6).

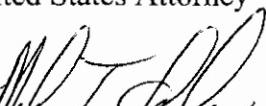
WHEREFORE, the United States of America hereby requests that this Honorable Court set a time and date to conduct a hearing required by 18 U.S.C. § 4248(a) to determine whether respondent JOEL WETMORE is a sexually dangerous person subject to commitment to the custody

of the Attorney General for treatment in a suitable facility in accordance with 18 U.S.C. § 4248(d). Pursuant to 18 U.S.C. § 4248(a), as the result of the filing of the certification attached to this petition as Exhibit 1, respondent JOEL WETMORE will remain in custody pending completion of the procedures set forth in 18 U.S.C. § 4248.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By:


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John Joseph Moakley U.S. Courthouse
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Dated: November 17, 2006

CERTIFICATION OF A SEXUALLY DANGEROUS PERSON

(1) I, John Baxter, am Interim Chairperson of the Federal Bureau of Prisons (Bureau) Certification Review Panel, Washington, D.C. Pursuant to 28 C.F.R. § 0.97, the Director of the Bureau has delegated to me the authority to certify persons in Bureau custody as sexually dangerous, as authorized by 18 U.S.C. § 4248(a).

(2) Bureau records reflect the following. Inmate Joel Wetmore, Register Number 10379-036, is in Bureau custody at the Federal Medical Center, Devens, Massachusetts, in service of an 87 month federal term of imprisonment. Inmate Wetmore's projected release date is November 18, 2006, via Good Conduct Time release.

(3) Based on a review of inmate Wetmore's Bureau records, I certify he is a sexually dangerous person as defined by 18 U.S.C. § 4247(a)(5), and sexually dangerous to others as defined by 18 U.S.C. § 4247(a)(6).

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.


John Baxter
Interim Chairperson
Certification Review Panel
Federal Bureau of Prisons

11/17/06
Date



U.S. Department of Justice

Federal Bureau of Prisons

Office of the Director

Washington, DC 20534

October 31, 2006

MEMORANDUM FOR KATHLEEN M. KENNEY, ASSISTANT DIRECTOR
OFFICE OF GENERAL COUNSEL

JOHN M. VANYUR, ASSISTANT DIRECTOR
CORRECTIONAL PROGRAMS DIVISION

Harley G. Lappin

FROM: Harley G. Lappin, Director

SUBJECT: Establishment of a Certification Review Panel and
Delegation of Certification Authority

By this memorandum, I am directing the establishment of a Certification Review Panel (CRP) to review releasing offenders for civil commitment pursuant to Title 18 U.S.C. § 4248(a), as enacted by the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248). This panel is to be composed of staff from the Correctional Programs Division, the Office of General Counsel, and others appointed by the Assistant Director, Correctional Programs Division.

Further, I am delegating authority to certify offenders as "sexually dangerous persons" as defined under this law, to the Chairperson of the CRP. On an interim basis, this authority is delegated to Dr. William T. Bickart, Interim CRP Chairperson, and Dr. Paul Sahwell or Dr. John Baxter as alternate Chairpersons in his absence. As a permanent CRP is staffed, this delegated authority will convey to the Chairperson of the CRP.